Draft for Review

United Nations Environment Programme

The Chemicals in Products Programme

to Facilitate and Guide

Information Exchange on Chemicals in Products (v4)

February 27, 2015

Chemical in Products Programme

Table of Contents

1. Introduction to this Document and the programme 1
2. Background to the Chemicals in Productsprogramme 2
3. Scope of the CiP Programme 3
4. CiP programme Information Objectives 5
5. Targeting Chemicals for Information Exchange and the Relevant Information for these Chemicals 7
6. Stakeholders in the CiP Programme 11
7. Suggested Stakeholder Responsibilities in the CiP programme 17
8. Confidential Business Information and Information Security 17
9. Information Exchange in Developing Countries 19
10. Reporting 20

Annex I: SAICM Text 22

Annex II: ICCM3 Resolution III/2 (C) 23

Annex III Partial List of Authoritative Chemical Hazard Lists 25

Unknown
Field Code Changed

1. Introduction to this Document and the programme

This document is the basis of the Chemicals in Products (CiP) programme. The CiP programme is a specific initiative in support of the overall objective of SAICM; to achieve the sound management of chemicals throughout their life-cycle[1].The CiP programme describes throughout the product life cycle the stakeholders that have a role in the exchange of relevant information about chemicals in products and provides guidance on how they can define the information exchange needed to realize this SAICM objective. The document presents the CiP programme and:

- explains its Objectives;
- describes the roles of stakeholders in CiP information exchange;
- describes the types of CiP information that stakeholders would exchange, how to determine what information is relevant; and
- provides a reference for stakeholders in diverse product sectors as they move forward to define and structure their required information exchange.

It is important to note that the CiP programme presented here is structured to be applicable to many product sectors and so at this general level does not target or detail any particular one. A fundamental purpose of this document is to provide a common starting point: it is envisioned to apply or adapt as needed this general CiP programme to specific product sectors. While this document describes, through the roles and suggested responsibilities, 'who' should take action and 'what' stakeholders should do, detailed guidance on means of implementing – 'how' to achieve the Objectives – is provided in complementary supporting documentation. With that understanding, the reader should consider that specification of details such as particular chemicals which are of concern and identifying best practises for information exchange will arise through a review of the information needs and activities of sectors[2].

To characterize the CiP programme for the reader at the outset, we present a brief orientation as to what the CiP programme is and is not.
It is not: a system for transmitting CiP information; a programme awarding certification or a management system.
It is: an international initiative which highlights the existence and encourages the use of these systems and programmes which can achieve the information access that enables sound management of chemicals in products.

[1]The Strategic Approach to International Chemicals Management (SAICM) has as its overall objective the achievement of the sound management of chemicals throughout their life cycle so that, by 2020, chemicals are produced and used in ways that minimize significant adverse impacts on human health and the environment. This "2020 goal" was adopted by the World Summit on Sustainable Development in 2002 as part of the Johannesburg Plan of Implementation.

[2] At the time of writing, a CiPprogramme pilot in the textiles sector and involving supply chains in China is in its early stages(scheduled for 2014-2017). Lessons learned from this pilot will eventually further inform this CiPprogramme.

The programme presented here is intended to:

- Establish a flexible and adaptive process that fosters progress and achievement towards the key internationally-recognized SAICM goal and which meets the needs of specific industry and product sectors and chemical information users;
- Recognize and encourage sectors' chemical information management and exchange systems that exist or are emerging and which have common objectives with the CiP programme;
- Present a method for integrating or complementing chemical information exchange systems with information available through the Globally Harmonized System for the Classification and Labelling of Hazardous Chemicals, with special attention to the needs and capacities of developing countries;
- Describe a responsible balance between the need for relevant chemical information exchange, both within and outside of supply chains, and the need to protect confidential business information; and
- Provide focus to an international forum that encourages and attracts a range of businesses, organizations and other participants that see value in exchanging information on chemicals in products within and outside of supply chains.

2. Background to the Chemicals in Products programme

The Chemicals in Products programme is a voluntary initiative aimed at businesses, governmental, intergovernmental and non-governmental organizations, consumer groups and other participants throughout the product life cycle that are seeking efficient procedures for providing and receiving information on chemicals in products.

At the third session of the International Conference on Chemicals Management (ICCM), the governing body of the Strategic Approach to International Chemicals Management (SAICM), UNEP was requested to develop a CiP programme proposal and to present it to ICCM at its fourth session in 2015[3]. The CiP programme has the aim of "facilitating and guiding the provision and availability of, and access to, relevant information on the chemicals in products among all stakeholder groups". Activities in the ICCM2-ICCM3 intersessional period (2009-2012) provided analysis of the CiP information issue as a global emerging policy issue and led to the call at ICCM3 for development of the CiP programme[4].

Some chemicals used to fabricate products are relatively safe when handled correctly. However, some products contain chemicals that can present significant risks to human health and/or the environment at various points in the products' life cycles. Product manufacturers, transporters, retailers, consumers/users, recyclers and waste managers clearly require adequate information on hazardous chemicals in products to avoid hazardous substances, design safer processes, implement safer chemical and non-chemical substitutes, make informed choices, control exposures, and protect humans and the

[3] See ICCM3 Resolution III/2(C) in Annex I

[4] Refer to the CiP project web site for details and documents prior to ICCM3. URL: http://www.unep.org/chemicalsandwaste/UNEPsWork/ChemicalsinProductsproject/tabid/56141/Default.aspx

Author
Formatted: English (US)

Author
Formatted: English (US)

Author
Formatted: English (US)

Author
Formatted: English (US)

Author
Deleted: organizations

Author
Formatted: English (US)

Author
Comment [1]: There is no data to support this point and this conclusion varies highly depending on conditions of work. Manufacturers like to blame chemical safety problems on workers but the truth is that rates of illness and injury due to chemicals are significant.

The use of the word "safe' should be defined. In many jurisdictions the effort to determine the safety of chemicals has been lagging

Author
Comment [2]: Correct handling needs to be determined either based on the instructions provided with the product or on product label. "Relatively safe" is not clear either. It could be safe for adults but dangerous for kids and /or other vulnerable groups.

Author
Deleted: Most

Author
Formatted: Highlight

Author
Deleted: where necessary

environment with special attention paid to the needs of vulnerable populations, (e.g. workers, developing child, fetus, etc.), developing countries and countries with economies in transition.

Author
Formatted: Not Highlight

Author
Formatted: Not Highlight

In recent years it has become increasingly evident that information on the chemicals in products is too often absent or insufficient to allow proper management. Because systems for production, distribution, use, and treatment of discarded products increasingly span the globe, it is important that an effective means of providing, accessing and exchanging chemical constituent information is available and, to the extent possible, internationally consistent.

Businesses and the general public are increasingly aware that proper diligence is needed with respect to chemicals in products[5] and the capacity to manage chemicals in products safely and to use chemical information effectively is evolving. In some economies and product sectors significant progress has been made; however, outstanding needs exist in many countries, particularly developing countries, where significant stakeholder awareness and capacity largely still remain to be realized.

3. Scope of the CiP Programme

The ICCM3 Resolution calls for the CiP programme to include chemicals in products information[6] broadly throughout product life cycles.

Chemical Scope

The CiP programme covers chemicals as they appear as constituents in products. See Section 4 for details on determining the chemicals information for exchange.

Products Scope

For the purpose of the CiP programme guidance a product is defined as *an object which during production is given a special shape, surface or design which determines its function to a greater degree than its chemical composition.*

The CiP programme focuses on manufactured products. Once a CiP programme participant joins the CiP programme, it may choose to implement the CiP programme guidance for all of its products or only a select set of products, groups of products or product types. Thus a clothing manufacturer might include some clothing lines and not others or a computer manufacturer might include its laptops and not its desktop computers.

[5] This creates market opportunities for proactive businesses and potential liabilities for actors exercising insufficient oversight of this issue. See the recent UNEP report "The Business Case for Knowing Chemicals in Products and Supply Chains", URL: http://www.unep.org/chemicalsandwaste/UNEPsWork/ChemicalsinProductsproject/tabid/56141/Default.aspx

[6] Throughout this document the use of the terms "chemicals in products information" and "chemical content information" are used to refer to the range of information that can be used to describe either the chemicals that are not in a product or describe the chemicals that are in a product.

The CiP programme covers all manufactured products, although it specifically avoids duplication with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). As such, it does not apply to products that are chemical substances and mixtures, but applies to those products whose function is derived from their design, shape or surface more than from their chemical properties.

For the purposes of the CiPprogramme, packaging is considered to be a product itself, rather than an element of the product.

The CiP programme does not cover those chemicals / products (e.g. pharmaceuticals or food products) that are regulated by a domestic food or pharmaceutical authority or arrangement.

Author
Comment [3]: That is not what the SAICM agreement says. "The Strategic Approach does not cover products to the extent that the health and environmental aspects of the safety of the chemicals and products are regulated by a domestic food or pharmaceutical authority or arrangement." Nanomaterials in products should also be addressed.

Life Cycle Scope

The CiP programme is designed to facilitate information flow throughout the full life cycle of manufactured products. The diagram below depicts a typical product life cycle. The ICCM3 Resolution specifies that it targets "information on chemicals in products along the supply chain and throughout their life cycles." Securing information flow within production portion of supply chains is a precursor for enabling successful information exchange with stakeholders both inside and outside supply chains.

Author
Deleted: outside the stated scope of SAICM

Author
Formatted: English (US)

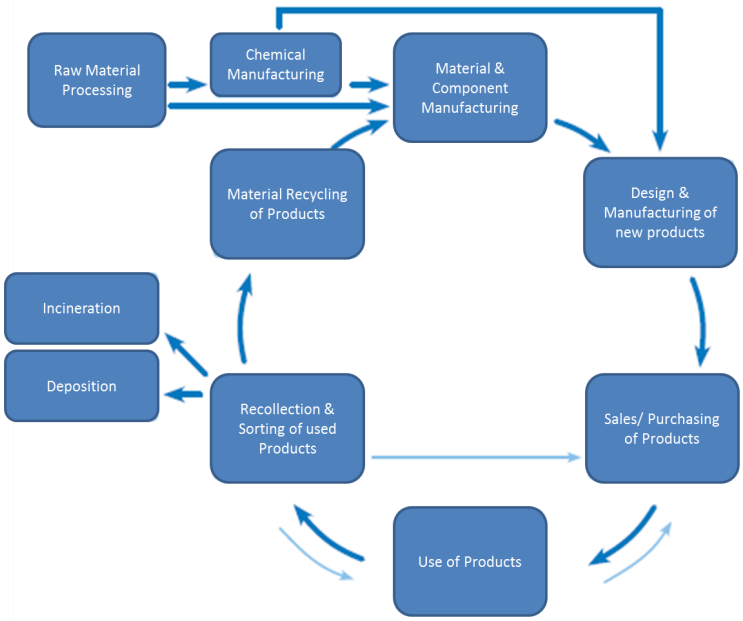

Figure 1: Generalized illustration of the product life cycle (note: transport and storage are not shown and can occur between all life-cycle stages)

4. CiP programme Information Objectives

The CiP programme has the central principle that all stakeholders (those along the supply chain and those outside it) should have relevant and reliable information to make informed decisions about chemicals in products. The CiP programme has established three core Information Objectives that align with this principle. Achievement of these Objectives ensures availability and quality of CiP information and enables the capability to manage hazards and risks and improve safety throughout the product life cycle. CiP programme participants would undertake CiP information exchange that aligns with the Objectives.

CiP programme Information Objectives
1. **KNOW AND EXCHANGE IN SUPPLY CHAINS information on**what chemicals are in your products, associated hazards and sound management practices. 2. **DISCLOSE** information to stakeholders **outside** the supply chainto enable informed decision-making and actions about chemicals in products. 3. **ENSURE** that information is accurate, current and accessible.

The first objective, ***KNOW AND EXCHANGE IN SUPPLY CHAINS information on what chemicals are in your products, associated hazards and sound management practices***, focuses on ensuring effective transfer of information on chemicals within the supply chain. This includes sharing relevant information about chemical presence, identity and hazard and management between chemical suppliers, component and material suppliers, product manufacturers, brands and retailers, while protecting legitimate confidential business information (CBI). Note that information on environmental impacts, health and safety shall not be regarded as confidential.

The second objective, ***DISCLOSE information to stakeholders outside the supply chain***, is focused on ensuring that stakeholders including consumers, end-of-life actors, governments, and NGOs have sufficient information to make informed decisions and undertake sound management practices to facilitate the efforts of all stakeholders to contribute to the overall objective of SAICM. This may be achieved by documenting that chemicals of concern identified according to the most stringent regulatory list as a basis for use in all countries, are not in products or by acknowledging when they are present, along with appropriate precautions and use instructions to avoid or minimize significant adverse effects on human health and the environment.

The DISCLOSE objective aims to fulfil an identified CiP information need which will enable a chemicals management decision and action by a stakeholder outside the supply chain with special attention paid to the needs of vulnerable populations, developing countries and countries with economies in transition. The range of possible decisions and actions by these stakeholder groups is highly varied, and so would be the enabling "sufficient information". The expectation within the CiP programme is that those requesting CiP information and those who could provide it will engage in a constructive dialogue,

Author
Formatted: English (US)

Author
Comment [4]: As written, this has the potential to essentially negate everything that comes before it.

Author
Deleted: s

Author
Formatted: Not Highlight

Author
Comment [5]: What is "sufficient"? And what is considered "chemicals of concern" needs to be clearly defined by criteria. We should not leave it entirely to the companies to decided what is hazardous, as this risk creating a minimal level of ambition. An extensive list, e.g. based on the SVHC-criteria, or a concrete negative list such as the SIN list should be recommended for the use in the CiP Programme.

Author
Formatted: Not Highlight

Author
Comment [6]: It is not clear how this dialogue will be arranged. It is just a declaration of intention which will not be occurred in practice. Consequently, there is a risk that relevant information is not requested, if not guided by criteria for what chemical information at a minimum should be requested. Information requests should be guided by e.g. a list of clearly defined hazardous chemicals. To avoid double standards, a CiP Programme participant should use the most stringent regulatory list as a basis for use in all countries.

around an identified information need, with the aim of making available useful and usable information for a chemicals management decision or action[7].

The third objective, ***ENSURE that information is accurate, current and accessible*** focuses on making sure that reliable and correct chemicals information is used and that systems are in place to assure that the information is valid and up to date. In some cases this is achieved by in-house procedures or testing, third-party laboratories or audits, production process input controls or other methods which can ensure data quality. The CiP programme foresees that a description of the provider's information-quality assurance measures could be made available (e.g. through reporting)[8].

Ensuring information is "accessible" refers to the information transferred both within and outside supply chains under the KNOW and DISCLOSE objectives: the CiP information should be of a form / format that the recipient can understand and make use of it with the intention to facilitate the efforts of all stakeholders to contribute to the overall objective of the Strategic Approach.

The central role of the Objectives

The three Objectives form the core of the CiP programme. The programme aims to address stakeholder groups and product sectors in a broad sense and thus the Objectives are general in nature. Specific actions, however, require consideration of the widely differing but ultimately individual stakeholder levels of need, ambition and capacity to provide, receive, process and act upon chemicals information. While the detailed characteristics of the eventual system(s) that meets particular stakeholders' needs are beyond the scope of the current general-level CiP programme, the programme Objectives do provide a starting basis and focused goals using the most stringent regulatory list as a basis for use in all countries. The accompanying Guidance of the programme is designed to assist participants, both inside and outside supply chains, to define the detailed characteristics for the chemical information exchange systems that are appropriate to the requirements of their firm, organization and supply chains.

In summary, the Objectives focus stakeholders on where they want to go and accompanying Guidance can assist them in how to get there[9].

Stakeholders join the CiP programme by signing the CiP programme Principles or by likewise officially notifying the CiP programme administrators.

In publically committing to meet the CiP programme Information Objectives and participating in the CiP Programme, stakeholders are expected to:

[7] See also Section 8 Confidential Business Information and Information Security

[8] The parallel to other aspects of quality assurance is useful here. Those who sell a product, subcomponent, formulation, etc. are generally expected to control and ensure the quality of what they sell, and the onus is upon these sellers to provide these assurances. It is common practice (and normal diligence) that purchasers check as they see necessary the accuracy of the quality data they receive. An analogous setup to information-quality assurance is logical, though we highlight that stakeholders are free to determine their own best arrangements on information accuracy.

[9] See also Section 7 on Suggested Stakeholder Responsibilities in the CiPprogramme

Author
Comment [7]: This is not the right place to refer to CBI as it discourages industries from providing information outside the supply chain. This reference has the potential to essentially negate everything that comes before it.

Author
Formatted: Not Highlight

Author
Comment [8]: that by 2020 chemicals are used and produced in ways that minimize significant adverse effects on human health and the environment

Author
Comment [9]: In order to understand that there is a need for information, one needs a certain level of knowledge about the product one is dealing with. That is why we need clear directions for the minimum information request, irrespective of stakeholder level of expertise in the product.

Author
Formatted: English (US)

Author
Formatted: English (US)

Author
Formatted: English (US)

Author
Comment [10]: The participation of stakeholders in the CiP program is a public declaration and should therefore be included in a database for access by the public . It would also be important to know that a stakeholder that may operate in various jurisdictions fulfills the requirements of the program in all jurisdictions as well as meeting its domestic requirements. However, participation in the CiP program should aim to improve environmental and health protectio ... [1]

Author
Formatted: English (US)

Author
Deleted:

Author
Formatted: English (US)

Author
Deleted: a

Author
Deleted: company

Author
Deleted: or organization

Author
Deleted: is

Author
Formatted: English (US)

- Design a chemical exchange system or adapt, implement or participate in an existing chemical information management system that conforms to the three CiP programme Information Objectives.
- Report publically on the system they use and their actions and progress in chemical information exchange (see Section 7).

5. Targeting Chemicals for Information Exchange and the Relevant Information for these Chemicals

The chemicals (and associated information) that are targeted for information exchange are dependant on the most stringent regulatory list as a basis for use in all countries; the product sector, the objectives of the information exchange and the stakeholders generating and receiving the information are primary determinants.

Considering the general nature and necessary flexibility of the CiP programme described in this document, it does not prescribe a specific list of chemicals covered by the programme[10] but recommends using the most stringent regulatory list with the an intention to expand it. The CiP programme describes approaches for 1) determining the range of chemicals that are to be included and 2) determining the information on those chemicals to be exchanged.

Specific chemicals will ultimately need to be determined for information exchange and this is best done using the most stringent regulatory list. Existing historical and supporting documentation for this CiP programme and from other actors (which is extensive) could be of use to product sectors as they determine their relevant chemicals and information exchange needs.

Step one - Determining the chemicals to be included in the information exchange

Chemicals that are regulated by governments in countries where a product is manufactured, sold, used or disposed and / or have potential for significant adverse impacts on human health or the environment. To identify regulated chemicals, a CiPprogramme participant would review the chemical regulations in those countries where it operates[11]. If regulations are the focus when determining which chemicals to target, then stakeholders should include those chemicals which are projected to be regulated. To avoid double standards, a CiP Programme participant should use the most stringent regulatory list as a basis for use in all countries.

[10] The chemicals can be identified by a Chemical Abstract Service (CAS) number or through a similar internationally recognized chemical identification system.

[11] Note: using regulations to determine the chemicals to be addressed by a CiP information system is a common approach; the wide use of systems based on Restricted Substance Lists results from companies and other stakeholders targeting chemicals based on the laws where they operate. Significantly differing regulations and/or oversight capacities in different countries does however create challenges for a global programme based on legislation.

Author
Formatted: English (US)

Author
Formatted: English (US)

Author
Comment [11]: Reporting requirements are critical for transparency and accountability. The information should be made easily accessible. However, it is also critical to ensure that the Secretariat has a mechanism in place to review the information and conduct analysis on the information gathered from participants to the CiP program. Substantial discussion on how analysis and reporting out on the information will be undertaken will be essential and should be undertaken with stakeholders input.

Author
Comment [12]: Chemicals should be targeted for information exchange based on their intrinsic hazardous properties (as expressed by the hazard statements), irrespective in which context it is used. This is why we need directives for minimum information requests in the CiP Programme, and that the direction refers to lists of chemicals that are considered hazardous.
If all CiP initiatives registered are based on the same information request criteria, we can also easily evaluate the progress of the work of the CiP programme. If we, instead, construct individual systems with different levels of ambition in information exchange for each specific case of CiP inititative, we will in the end never be able to ... [2]

Author
Deleted: numerous factors

Author
Deleted: Rather, t

Author
Comment [13]: Having a dynamic list is critical to make this exercise relevant as new chemi ... [3]

Author
Deleted: on a product-sector basis

Author
Comment [14]: The value of this sentence is not clear

Author
Deleted: Given the importance and evolving nature of the CiP information issue, it is stron ... [4]

Author
Deleted: .

Author
Comment [15]: If we wish to be able to assess the progress and impacts of the CiP program ... [5]

Author
Deleted: might also consider

Author
Deleted: ing

Extending from a set of regulated chemicals to include non-regulated chemicals with potential for significant negative impacts on human health or the environment, the criteria outlined in the SAICM Overarching Policy Strategy (OPS)[12] may be used to determine these additional chemicals of concern[13]. The criteria include: persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; chemicals that are carcinogens or mutagens or that adversely affect, inter alia the reproductive, endocrine, immune or nervous systems; persistent organic pollutants (POPs), mercury and other chemicals of global concern. While many chemicals exhibiting these criteria are addressed by regulations in some countries, numerous unregulated chemicals also may exhibit the characteristics listed under SAICM.

Companies that participate in the CiP programme may use various authoritative chemical hazard lists to screen for health and environmental hazards with the priority given to the most stringent regulatory list as a basis for use in all countries. A partial list of such authoritative chemical hazard lists is included in Annex III.

Chemicals that are evaluated using the GHS Criteria. CiP Programme participants may wish to use the criteria of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) for determining the range of chemicals to be included in their program. This can be accomplished by screening chemicals against the health and environmental endpoints identified in the GHS and determining which chemicals classified as hazardous under the GHS are present in their products; if these chemicals are present in the manufactured article, then these chemicals could be covered by the CiPprogramme[14].

This approach of linking GHS and the CiPprogramme will need to be carefully structured. For example, GHS defines the concentration at which a chemical would be labeled when included in a (chemical) product. Further guidance would be needed to determine appropriate threshold concentrations or weight percentages for hazardous chemicals in the products. In the absence of authoritative guidance, informed professional judgment must determine what information to include for the subsequently manufactured products[15]. CiPprogramme participants using this GHS method would be expected to be transparent in how they applied the method.

Step two - Determining the Information to be Exchanged

Author
Formatted: English (US), Not Highlight

Author
Deleted:

Author
Formatted: English (US)

[12] SAICM Overarching Policy Strategy, Paragraph 14

[13] "Chemicals of concern" were defined during the Scoping phase of the CiP project (2009) as "chemicals which, due to their inherent hazardous properties, present a known or reasonably suspected risk to human health and/or the environment".

[14] GHS safety data sheets could be used in the supply chain for hazardous chemicals remaining in the product or product component. Companies could use third parties to collect, store and process the information in these safety data sheets, similarly as for chemicals targeted through .

[15] The GHS has the concentration which triggers the labeling requirement set to a default value or depending on the sensitivity at the health / environment endpoint. The endpoint sensitivity to the chemical once incorporated into an article may change considerably, however in the absence of firm data to inform a different concentration threshold, the GHS concentration would be used.

It is useful as we look to this step to recall the aim of the Objectives is that reliable CiP information is available for stakeholder decisions and actions.

Stakeholders exchange CiP information with other stakeholders and the possible pairings for these exchanges are many and varied (e.g. company to company, government, recycler, NGO or consumer; government to consumer; NGO to consumer or government). The types and specifics of the information relevant for these stakeholder exchanges is likewise varied, and the CiP programme Information Objectives provide guidance for the focused dialogue which should take place as stakeholders further define the details of what their information needs are and how to best fulfil them.

Paragraph 15(b) of the SAICM Overarching Policy Strategy states that CiP chemical information be "….appropriate to the needs of all stakeholders", where "appropriate types of information include their effects on human health and the environment, their intrinsic properties, their potential uses, their protective measures and regulation." The ICCM3 Resolution on Chemicals in Products targets to facilitate access to "relevant information" and to take into consideration "best practices and successful experiences".

For the purposes of the CiP Programme, "relevant information" is defined broadly as "the information that the recipient needs to make an informed chemicals-management decision". This information should be based on the most stringent regulatory list for use in all countries. Examples include OEM decisions about component selection, consumer decisions about product purchase, use and handling and end-of-product-life decisions about waste handling and recycling. For information to be relevant it must be useful (the recipient can use the information to inform actions that will contribute to the overall objective of the Strategic Approach) and it must be in a usable format (i.e. it is accessible, clear and understandable).

Generally, to meet the Know, Disclose and Ensure objectives one would include as a baseline information on the hazards and potential exposures for the chemicals in a product, as well as guidance for safe use and disposal based on the most stringent regulatory list of chemicals for use in all countries. Short summaries of some of the major established systems, given in the supporting CiP programme documents, illustrate current practice and uses for the ranges of information.

Some current information exchange systems can be used to exchange information about what chemicals *are not* in products, while other chemical information exchange systems can be used to identify what chemicals *are* in products. The CiP programme recognizes the value of these two approaches, while underlining the inherent advantages that knowing what chemicals are present provides for informing chemicals management decisions[17].

Inside vs. Outside of Supply Chains

As the determination of the particular chemicals information for exchange is complex, it may be useful to orient the view of the life cycle of a product's information exchange into the broad areas of inside and outside the supply chain**Error! Bookmark not defined.**

[17] The report "The Business Case for Knowing Chemicals in Products and Supply Chains" addresses this topic in depth (see URL: http://www.unep.org/chemicalsandwaste/UNEPsWork/ChemicalsinProductsproject/tabid/56141/Default.aspx).

Author
Deleted: .

Author
Formatted: English (US)

Author
Formatted: Not Highlight

Author
Comment [16]: In the introductory part of the CiPprogramme it is said"…outstanding needs exist in many countries, particularly developing countries, where significant stakeholder awareness and capacity largely still remain to be realized."
It means that the level of stakeholder's ability to understand and act upon CiP information in developing and transition economies is low. What "relevant information" means for these countries? This sentence justifies the provision of minimum or no information on chemicals in products in developing and transition countries where stakeholders do not have enough capacity to understand and act upon this information. This inequality will result in double standard in CiP information provision.

Author
Comment [17]: Notes on "relevant information" should be moved to part 6

Author
Deleted: Defining what is "relevant" then depends also on specifying what the intent is for use of the information, which is itself depends on the level of a stakeholder's ability to understand and their ambition to act upon the CiP information[16]

Author
Deleted: .

Author
Formatted: Highlight

Jennifer Federico 3/30/2015 9:48 AM
Deleted: 2

The CiP programme proposes that within supply chains, at a minimum hazard-based information should be exchanged. It is within supply chains that products are made and the product chemistry can change: following the addition of new chemicals and tracking the presence of existing chemicals (e.g. in sub-components) calls for such an approach. This is reflected in the Information Objective 1. Related to this, CiP information exchange in supply chains are usually built on existing business relationships, noting that information on health and safety shall not be regarded as confidential.

.

Outside of supply chains there is great variation in what stakeholders will consider useful and usable information to know what substances are in the product including the "minimum hazard-based information". The Information Objective 2 targets information exchange outside of supply chains, and also refers to the need for dialogue in defining stakeholders' information needs and exchange mechanisms. There are cases here where hazard-based information would be appropriate, and others where a risk-oriented communication is better suited.

Arriving at a Definitive Set of CiP Information for Products

Progressing from the text above to then determine what CiP information to exchange at the product level raises many questions: which life cycle stage is targeted? who are the stakeholders and what are their capacities and ambitions for chemicals management actions? what are the relevant chemicals and the relevant information?

Determining specific answers to these questions invariably requires decisions at the product level. Past experience shows coordinated dialogue within a product sector to be the most efficient way of determining, framing and communicating the need for information through the life cycle stages, as well as for then fostering the needed discussions on how to best fulfil that need. Within this document this Section and Section 5 on Stakeholder roles (inside and outside the supply chain) assist in that they provide a framework for discussion and decision to determine the chemicals information relevant to particular cases.

Thresholds for Reporting

Companies that participate in the CiP programme may refer to authoritative chemical hazard lists to screen for health and environmental hazards (see Annex VII). These lists sometimes include reporting thresholds for specific chemicals, which may be useful in determining the applicability of a CiP information system to a particular circumstance.

An alternate method is to base the reporting thresholds upon the GHS. Here the default threshold for reporting is 0.1% (1,000ppm) for known or suspected carcinogens, mutagens, and reproductive toxicants and 1% (10,000ppm) for other substances. There may be evidence that a chemical or mixture is hazardous below the default threshold level. In these cases, the threshold reporting level should be reduced accordingly.[18]

[18] GHS provides cut-off values/concentration limits for health and environmental endpoints of 1% for acute toxicity, skin corrosion/irritation, serious eye damage/eye irritation, germ cell mutagenicity category 2, specific target organ toxicity, and hazards to the aquatic environment, and 0.1% for respiratory/skin sensitization, germ cell mutagenicity category 1, carcinogenicity, and reproductive toxicity. United Nations, *Globally Harmonized System of*

Author
Comment [18]: There should be clear criteria for what "minimum hazard-based information" is.

Author
Comment [19]: Does it mean that the CBI can be applied even within supply chain? Does it mean that retailers will not be able to get information on chemicals in products from manufacturers because of CBI claims? If yes, it means that the CiP Programme justifies minimum or no information provision within the supply chain instead of encouraging companies to provide CiP information. This will worsen the situation especially in developing countries which face rapid development of chemical and other dirty industries with minimum or no information disclosure on chemicals in products they produce using raw materials/ingredients coming from other countries.

Author
Deleted: , which allow for confidential information protection mechanisms

Author
Formatted: Not Highlight

Author
Comment [20]: The SSNC ecolabel Good Environmental Choice, .eg., has reporting thresholds 10 times lower. It should be stated here that the GHS criteria should be the minimum, but it is desirable to have lower threshold. There may be no clear dose thresholds for mutagens and carcinogens, and reproductive toxicants (e.g. EDCs) may be biologically relevant even at very low concentrations.

GHS Classifications

The GHS provides a standardized way to communicate about hazard attributes of chemicals[19]. It defines categories for physical, health, and environmental hazardswhich correspond well to the chemicals targeted for risk reduction under SAICM12[20].

A company participating in the CiP programme may wish to use the criteria of the GHS as a means of identifying chemicals to include in a CiP information system. GHS is however not applicable to articles[21], so it is up to countries to decide whether to use GHS communication means (i.e. pictograms, signal words, hazard statements, and precautionary statements) for communicating in CiP information systems[22].

6. Stakeholders in the CiP Programme

This section describes the stakeholders and their roles in CiP information exchange. Suggested responsibilities for these stakeholders under the CiP programme are described in Section 7.

The CiP programme is intended to engage all the stakeholders in the product life cycle, which includes those involved in chemical production, component and product manufacture, distribution, retailing, use, and end-of-life management. Each of these actors needs specific types of chemical information and under the CiPprogramme, each has a role in generating, receiving and/or transferring chemicals information.

Jennifer Federico 3/30/2015 9:48 AM
Deleted: 9

Author
Formatted: Not Superscript/ Subscript

Author
Deleted: at present

Author
Formatted: Not Highlight

Author
Deleted: the CiP programme does NOT recommend the

Author
Formatted: Not Superscript/ Subscript

Author
Deleted: of

Author
Comment [21]: The GHS communication means have already proved to be effective and understandable for stakeholders. Ignoring this experience means a step back in communicating information on chemicals in products to the public. The CiPprogramme does not need to be that prescriptive and provide countries with the right to decide by themselves.

Author
Formatted: Not Superscript/ Subscript, Highlight

Classification and Labeling of Chemicals (GHS): Fifth revised edition. New York and Geneva: United Nations, 2013. Table 1.5.1, p. 36: Cut-off value/concentration limits for each health and environmental hazard class., URL: http://www.unece.org/trans/danger/publi/ghs/ghs_rev05/05files_e.html

[19] As an example, under the GHS system a chemical that is known, presumed or suspected to cause cancer would display: a pictogram indicating human health effects; a signal word of "warning" or "danger" depending on the level of concern; a code consisting of letters and numbers indicating the type and level of concern; a, corresponding phrase expressing the hazard (for example, a chemical could be classified as "H350", corresponding to the statement "may cause cancer"); and a code indicating necessary precautions (for example, "P201" corresponding to the precaution to "obtain special instructions before use").

[20] To note: GHS is a global standard which is adopted and applied nationally. The national GHS definitions and practices should be used to avoid confusion.

[21] See GHS version 5, chapter 1.3.2.1.1, URL: http://www.unece.org/trans/danger/publi/ghs/ghs_rev05/05files_e.html

[22] The CiPprogramme, if approved by ICCM4, should coordinate with the established processes and bodies of the GHS on the use of specific messages and symbols and also generally on the information interface between the two initiatives.

In describing roles and to consistent with the orientation of the Objectives it is useful to speak of stakeholders who are "within the supply chain" and "outside the supply chain". The supply chain is a subset of the product life cycle and includes those involved in producing and selling a product, including chemical suppliers, component and material suppliers, manufacturers, brand name companies (brands)/original equipment manufacturers (OEMs)and retailers. Many of the private-sector stakeholders in the supply chain have been driving the design, construction and implementation of CiP information systems in their sectors and have requested and supported efficient approaches to the issue (which the CiP programme seeks to facilitate).

Those outside the supply chain include stakeholders who are not directly involved in producing/selling a product such as consumers, government agencies, non-government organizations (NGOs), civil society organizations, product recyclers and waste managers.

The CiP programme Objectives are oriented to two general, broadstreams of information exchange among stakeholders:information exchange between actors within the supply chain; and information exchange between those in the supply chain and those outside. Other information provider-recipient combinations are currently practised or possible (e.g. government to consumer, NGO to consumer, etc.) and each of these has varying needs for relevant chemical information and different pathway characteristics that determine how chemical information might best flow (examples and suggestions of actions are described in supporting programme documentation and guidance).

Within the supply chain.

It is within the supply chain that a product is made. Knowledge and tracking of the chemicals put into a product, and the exchange of information about the presence or absence of a chemical of concern, is of fundamental importance to possessing reliable CiP information for the final product. Stakeholders within the supply chain have a clear and tangible need for exchanging CiP chemical information, often linked to a role carrying legal responsibility.
Important to note: it is also within the supply chain that the most comprehensive obligations, standards and protocols exist for provision of safe handling information.

Chemical Suppliers. Chemical suppliers include basic chemicals manufacturers, chemical processors (e.g. formulating specialty chemical products for specific applications and markets) and chemical distributors. These stakeholders should have the best information on the hazards of the chemicals that they make and have a critical role and responsibility in making this information availableThey often however lack the means to assure proper downstream management or to gather feedback on how their products are used.

Brands, OEMs and retailers. Brand and OEMs play a number of critical roles in CiP information exchange. A primary role is in controlling the quality of the final product as it goes to market. There is often a legal responsibility associated with this role and thus a clear requirement for due diligence.

As the interface with the public for products (and with brands and OEMs carrying their name) this group also has the role of transmitting CiP information directly (e.g. safe handling

Author
Deleted: and its chemical composition changes

Author
Comment [22]: hat is not what downstream users say.

Author
Deleted: . Many try to assure safe handling and use of chemicals among their immediate customers by providing relevant information[23] and professional training, and by participating in programs such as the chemical industry's Responsible Care Program and sector specific programmes (see supporting documents for examples).

instructions) or indirectly (e.g. through "safe product" or sustainability messaging which incorporates CiP information[24]). Many brands, OEMs and retailers are sensitive to customer concerns about the chemical constituents of their products and in their role are well positioned to:

1) request and receive the necessary information from their supply chains and to pass it on to their customers (and other stakeholders)[25]; and

2) identify evolving market demands for CiP information[26].

In both these up- and down-stream oriented roles, well designed communication is essential for effective CiP information exchange.

The Manufacturing Chain: Turning chemicals, materials and components into products. In a global market, brands and OEMs frequently depend on independent final product manufacturers, who themselves source from component and material suppliers. Complex and many-tiered supply chains for this manufacturing are common, with suppliers often distributed around the world and located in developing countries. This multi-level structure of the supply chain makes identifying, tracking and ensuring chemical ingredients complex and success to a high degree depends on the commitment of the company itself and on the legislation requirements including the regulatory list of chemicals of concern[27]. Suppliers have a critical role and responsibility in making information on product components available noting that this creates market opportunities for proactive businesses and potential liabilities for actors[28] .

Author
Formatted: Footnote Text,Geneva 9,Font: Geneva 9,Boston 10,f,DNV-FT,Footnote01, Indent: Left: 0",

Author
Formatted: Not Superscript/ Subscript

Author
Deleted: and difficult

[24] The reader is reminded that the field of supplier "performance" is vast, encompassing many facets of corporate social responsibility outside of CiP information. CiP information is frequently requested as part of a larger set of information from suppliers, including on resources use (e.g.. energy and water use statistics, recycling content), fair wage and labour practices, workplace safety, and other sustainability metrics. Individual companies often stress these facets to differing degrees, in line with their corporate objectives.

[25] While they frequently have difficulty acquiring such information from suppliers, large-scale brands and OEMs may wield enough market power to "pull" chemical ingredient information through supply chains; this is however seldom true for smaller operations.

To note for retailers: they are in most cases further removed from the final product manufacturers than the brands and OEMs, which adds a significant layer of difficulty in communicating CiP information needs to the supply chain and likewise in receiving information. As well the wide range of product sectors offered by most retailers and the fact that they do not typically design products (and so do not have in-house knowledge of the products' chemicals issues) add to the complexities facing retailers when addressing the CiP issue.

[26] A related and critical role here is in responding to these demands by initiating associated chemicals-management actions to mitigate hazards or risks or to improve the environmental performance of their products (for example through chemical substitutions).

[27] Training and monitoring in these complex chains is also difficult and it is worth noting from past experience that successful CiP information systems invariably were designed, built, implemented and supported with a long-term company view and commitment.

[28] See the recent UNEP report "The Business Case for Knowing Chemicals in Products and Supply Chains", URL: http://www.unep.org/chemicalsandwaste/UNEPsWork/ChemicalsinProductsproject/tabid/56141/Default.aspx

The many actions of manufacturing chain actors in these multiple levels are diverse, yet some common roles are identifiable. A primary role under the CiP programme is their active participation in the design and use of a system to receive, process (if needed) and pass down the supply chain CiP information[29]. This role is of fundamental importance, as achieving well-conceived and ultimately effective chemical information exchange systems requires engagement of the manufacturers/system users[30].

Outside the supply chain.

Stakeholders outside the supply chain need information on chemicals in products in order to make informed decisionson how to use and dispose of the product. This may inform:on presence or absence of chemicals of concern, including at the point of purchase; on the safe handling, use and disposal of products; for product evaluation or perform assessment; or for government regulations, standards and initiatives.

The CiP programme Objectives target communication on chemicals, and particularly as this relates to the presence of hazardous chemicals. Stakeholders outside supply chains assume risk arising from the presence of hazardous chemicals, and so must be involved in knowing and ultimately deciding and acting on the risks involved. Stakeholders outside the supply chain thus need to know if hazardous chemicals are present and the risks these pose.

The communication of hazardous chemical presence and risk information outside the supply chain in most cases originates from actors within the supply chain. Of fundamental importance is the formulation of the information. To be clear and effective the communication methods must be well-designed; useful information in a usable format.

Consumers. Individual consumers are the major stakeholder group at the end of most supply chains. An increasing percentage of these consumers have the knowledge and interest to make informed choices about chemicals in products. By demanding information, consumers influence commercial markets as brands and retailers compete for their attention and purchases. Consumer's demand for information on chemicals in products is beneficial to stakeholders within supply chain as transparency and substitution give them market advantages.

Another category of consumers are corporate purchasers, which are a group with significant purchasing power and often the capacity to specify detailed CiP requirements and supporting information for their purchases.

---

[29] While outside the scope of the CiP programme, it is noteworthy that manufacturers have a role in the use of CiP information, both for workplace safety (re: ILO Conventions 170 and 174 and national laws) and for informing and communicating on efforts towards pollution prevention.

[30] Many sectors have substantial programs for specifying product chemical content and holding manufacturers responsible for monitoring their own upstream suppliers of chemicals and materials. Here the manufacturers' role is to use an appropriate system and contribute to its eventual improvement.

The role for the consumer in the CiP programme is to seek the CiP information required to satisfy their particular set of priorities and ambitions. Linked to this role is the notion that a consumer will act based on this information (i.e. their purchasing decisions and use/consumption actions will be affected by the available information).

Relevant CiP information tailored to purchasing decisions can help both individual and corporate consumers make informed choices. The largest and most targeted source for this information is from brands and retailers, and may encompass both direct CiP information as well as the seller's messages on sustainability, environmental impact, safety and other aspects where the chemicals content is a part of the communication. There is a role for the seller inside the supply chain (described above) to communicate to the consumer and a corresponding role of the consumer – frequently taken up by NGOs representing a consumer interest - to give feedback to the seller on the priorities and needs for CiP (and related) information..

While consumers are the "end users" of products, they are also the initiators of waste management after a product's useful life. Consumers have a role then in waste management practices, which are again shaped by their priorities and by knowledge and available information (on product chemical content and proper end-of-life management actions and options).

Recyclers. Recyclers both accept used products and materials and return materials / chemicals back into supply chains. These activities result in roles both outside and inside the supply chain. Recyclers are described here as outside the supply chain, as at the time of writing the situation appears to be largely one of recyclers needing to receive CiP information, rather than being in a position to provide it into the manufacturing phases[31]. In view of this current status the initial role of recyclers in the CiP programme is to identify their CiP information needs[32] and to work with holders of information on a means of achieving access. With access to sufficient information recyclers could fulfil a role similar to that of 'Chemicals Suppliers' or those in 'The Manufacturing Chain' described above.

Waste Managers.The absence of relevant chemical content information exchange contributes to the legacy of improperly treated wastes and illegal trade in wastes. The decision to treat a material or product at end of life by recycling or disposal may in fact depend on knowing its chemical content as this may lead to treatment choices – in particular the choice between recovery and disposal. There is a large and growing need for improved waste management and this requires chemicals information exchange systems tailored to the needs and capacities of the waste management sector (including the informal sector) and of government officials. The role of waste managers in the CiP programme is (similar to recyclers) initially to identify their CiP information needs and to work with holders of information to achieve access.

[31] Achieving effective and large-scale recycling is an important step on the road to greater resource efficiency and establishing sustainable materials use. As with numerous other overarching sustainability issues, CiP information access is an element contributing to the overall topic.

[32] CiP information for recyclers could be useful, as well-characterized materials would be of higher economic value and could be suitable alternatives to virgin materials. In both cases CiP information could be used to re-introduce materials with full knowledge of contained chemicals of concern.

Government Agencies. On chemicals in products issues, government agencies formulate and enforce statutes to regulate chemicals for environmental and public health objectives and also to engage in non-regulatory initiatives to achieve these goals. Implicit in these activities is to respond to citizen needs and be sensitive to citizen demands for safe households, work places and products. Governments require access to a broad range of CiP information to be able to assess hazards and potential risks, ensure compliance, exercise oversight and be fully responsive and effective. Within the CiP programme governments have numerous roles related to their activities:

1. To communicate CiP information reporting and access requirements related to regulations to implicated stakeholders and the public.

2. Together with stakeholders to specify the CiP information required to track, validate and assess non-regulatory initiatives.

3. Intergovernmental coordination and collaboration: this role is especially relevant to the CiP programme as the programme is formulated under SAICM and provides a forum to address global supply chains.
   Internationally, governments vary significantly in their capacity to acquire and use CiP information, and collaboration in information sharing and capacity-building are important CiP programme roles.
   Likewise government coordination on CiP information requirements and specifications on a regional or global level allows for more efficient stakeholder dialogue and government response[33].

4. Interministerial coordination and collaboration: governments' roles in fostering and overseeing national development and markets and in administering national health programmes offer many opportunities to use CiP information (i.e. CiP information has a role in mainstreaming of chemicals into overall national policy).

5. Outside of the policymaker roles, governments have a significant role as consumers. They may have procurement budgets which are large enough to drive market change, through purchasing of preferred/safer products or by linking purchases to provision of relevant CiPinformation.

Non-governmental and civil society organizations (including trade unions and worker organizations)[34]. Non-governmental organizations (NGOs) have important roles in advancing CiP chemical information exchange, particularly in identifying human health and environmental threats and informing the public about them. These public interest organizations have a fundamental role to both educate and represent the public in discussions relating to chemicals of concern and their impacts, including advocating for reducing those impacts. NGOs also have

Author
Comment [23]: Governments can use economic instruments to encourage information disclosure. E.g. a non-disclosure tax on companies that do not participate in the CiP programme, in accordance with the polluter pays principle. Unknown environmental and health costs for society are paid for by companies that choose to not disclose information. The higher the degree of disclosure, the less tax a company pays is one possible form of such a tax system. I think this is an important message to put into this document. Sweden is right now exploring ideas of this kind for some products, so there will be practical examples to refer to in a near future.

Author
Comment [24]: There is a big difference between public interest and private organisations as they have different goals and objectives. The last one is determined as business oriented or industry specific groups.

Author
Deleted: private and

[33]Successes by governments in formulating policy mechanisms on CiP information come from individual states but also regional responses (e.g. EU's REACH and product sector regulations), with the regional approach having the advantage of allowing a single market response from the affected private sector.

[34]Non-governmental organizations which represent principally the interests of actors inside the supply chains (for example business associations) are considered to align with roles inside the supply chain.

an important role in assessing and assuring the integrity and relevance of the CiP information which they work with.

Related to the above, a significant role some NGOs are already fulfilling is in creating, piloting, populating and maintaining CiP information systems for example through operating ecolabels for goods and services.

7. Suggested Stakeholder Responsibilities in the CiP programme

Responsibilities under the CiPprogramme are for any stakeholder that publicly declares to be a participant in the programme. Simply stated, stakeholders are expected to take actions to meet the CiP programme Objectives and to make those actions publically known[35].

The CiP programme has developed guidance to assist stakeholders in determining what specific actions they would take. This guidance is is based on known best practices which draw from extensive experience in several product sectors[36]. Further elaboration and expansion on the guidance, and development of specific tools, could take place with adequate resources and the support of the SAICM community.

Stakeholders can report their actions towards meeting the Objectives through the means that they see appropriate (annual reports, corporate web sites, reporting back to the SAICM secretariat, etc.). To give visibility to stakeholders' actions under the programme and to foster collaboration, it is proposed to establish a web-based information portal into which CiPprogramme stakeholders could report or link the public notifications of their actions[37].

8. Confidential Business Information and Information Security

Author
Comment [25]: The CiP is an emerging policy issue under SAICM which is a voluntary agreement. There is no need to repeat the voluntary and non-prescriptive character of SAICM or its EPIs.

Author
Deleted: suggestive and not prescriptive

Author
Deleted: , is descriptive but not exhaustive, and

Author
Comment [26]: As the CiP programme is phrased now, there will be many weak CiP initiatives, and at the same time will benefit companies that have a low level of ambition to be transparent to their customers. It is so simple to add a list as an appendix to this document, and that would most likely be very appreciated by many stakeholders. This list can be based on the most stringent regulatory list to be used in all countries and SIN list for those willing to go beyond regulatory requirements.

[35] See Section 9 on Reporting for suggestions on content to be included in public notifications.

[36] It is not required that stakeholders use the guidance; they were made to assist those stakeholders who find them useful. Achieving the Objectives is the goal, and numerous existing initiatives could likely be reported as fully or partially fulfilling these.

[37] This information portal could be a stand-alone platform or could be integrated into a complementary existing system. UNEP considers it fundamental to the success of the CiPprogramme that there is a centralized source of information. Without this, it will be extremely difficult to provide support, to give visibility to stakeholders actions vis-à-vis the Objectives, to building communities of practice or to realize or demonstrate the value added on this issue through the SAICM community. Options and an estimate of resources required for establishing and maintaining the portal are given in the ICCM4 information documents SAICM/...

Maintaining confidentiality of proprietary information is justified by the industry as central to securing long term reward for investments and rewardinginnovation. As such, it is claimed to be the key to stimulating "green chemistry" and other improvements to better protecthuman health and the environment. At the same time, CBI claims could be used to mask potential hazards and risks associated with specific chemistries or products. This Section describes the agreed precedents and general approach to handling CBI in the CiP programme. As with other elements of the programme fine-tuning and detailed specification of exchanging and protecting CBI will need to be done at the sector level.

The CiP programme recognizes the importance of appropriate protection of proprietary and confidential business information and emphasizes the need for programme participants to provide for appropriate information security. SAICM text recognizes the issue of disclosure and protection of Confidential Business Information (CBI): guidance for the CiP programme is based on the SAICM Overarching Policy Strategy (OPS) paragraph 15(c), which specifically addresses CBI in the context of CiP information:

> "To ensure that, in making information available in accordance with paragraph 15 (b), confidential commercial and industrial information and knowledge are protected in accordance with national laws or regulations or, in the absence of such laws or and regulations, are protected in accordance with international provisions. In the context of this paragraph, information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential."

Under the CiP programme, therefore, information needed to protect human health and the environment from hazardous chemicals in products shall not be considered confidential.

While it is expected that CiP program participants will respect CBI-protected material, the program also maintains an expectation of due diligence and responsibility of participating companies to be transparent and not withhold information relevant to health and safety. Companies may achieve this through established and proven means (described below). A company can also give clarity on its approach to CBI through a published company policy. In developing such policies, a company should adopt best practices that are consistent with the SAICM OPS.

For information transfer within the supply chain there are protocols with wide application in the form of non-disclosure agreements. These are frequently grounded in established business relations and are routinely relied upon to guarantee the availability and protection of information necessary to properly utilize and control chemicals. These may also have application in certain instances in transfer of information outside the supply chain (if one chooses to utilize a 3rd party verifier, for example[38]). A last

Author
Comment [27]: Deleted because there are numerous examples.

Author
Deleted: many are concerned that

Author
Deleted:

Author
Deleted: effective

Author
Comment [28]: The driver for safer chemistries comes from transparency. As written, it justifies CBI even for those chemicals which pose risk to human health and the environment. The CiP Programme should not be encouraging less disclosure and transparency.

Author
Deleted: , even when the precise identity of the chemical is protected.

Author
Deleted: ,

Author
Deleted: organizationsand other stakeholders to protect sensitive information.

[38] In doubt, legal counsel should be sought to ensure that sharing of such information outside of normal business-to-business contractual arrangements does not compromise the legitimacy of the CBI claim under any applicable national regulations. In no case should program participants share identifiedCBI information provided by another company, without express consent.

illustrative and noteworthy point on supply chains is that major established systems exist where CBI is routinely and securely handled[39].

Information exchange between stakeholders inside and outside the supply chain:
For information disclosure from supply chain participants to governments, non-governmental organizations, end-of-life recyclers and waste managers, CiP programme participants should be willing to be transparent and disclose information on chemicals in products, particularly as it relates to health and safety information.

Governments deserve particular mention on the CBI issue. Their unique roles create specific needs for CiP information and frequently a corresponding responsibility to receive full information from manufacturers. Recognizing and to build upon past successful exchange, the CiPprogramme specifically encourages secure, proactive, sharing of all information with governments which could advance actions towards sound chemicals management.

Through regulations governments should (and often do) have the capacity and the requirement to protect confidential business information. They also have issued methods to be applied in determining what can be considered CBI. Below are references to established CBI definition, provision and protection mechanisms in existing policy:

- In the European Union's Classification, Labeling and Packaging of Substances and Mixtures (CLP) Regulation, which aligns the EU system of chemical classification and labeling with GHS, there is a provision for chemicals to be identified by category rather than by unique chemical identifier under certain limited conditions[40]. This applies only to the chemicals with the lowest hazard profiles. Chemicals with higher hazard profiles must be identified specifically.
- The USToxics Release Inventory (TRI) Program requests justifying information to supportCBI claims[41].

9. Information Exchange in Developing Countries

The CiP programme draws special attention to the needs and capacities of stakeholders in developing countries and countries with economies in transition (DC/CEIT). The overall circumstances in DC/CEIT are challenging: legislative and market drivers are perhaps present but not as influential as in developed country markets; a lower general awareness exists among stakeholders throughout the life-cycle of the issues, choices and potential actions surrounding CiP information; and as well many CiP information communication mechanisms are not yet in place. Given this, an avenue for improving information exchange in DC/CEIT could be to simply look at what exists elsewhere (in other countries, jurisdictions and markets) and what incremental steps would be needed to adapt or bring this information to stakeholders in the DC/CEIT countries and markets.

[39] A successful illustration is seen in the automotive industry's IMDS, which has over the past 15 years shared over 50 million data sheets and involved many tiers of suppliers.

[40] Ref: article 24 in EU regulation 1272/2008/EC

[41] See URL: http://www.epa.gov/tri/reporting_materials/forms/tradesecret/ts-form_ry2012.pdf

Author
Formatted: Not Superscript/ Subscript

Author
Formatted: Not Highlight

Author
Comment [29]: This is a very prescriptive paragraph. Instead of information disclosure, industry will start a long process of establishing a dialogues with stakeholders what information they need, for what purpose and what they are going to do with this information. If the industry is not satisfied with the responses it will simply delay information disclosure and will refer to the CiP Programme instead. As written, this paragraph insures the irrelevance of the CiP Programme.

Author
Deleted: enter into constructive dialogues about what information is relevant for disclosure, obligations of information recipients for maintaining security of information disclosed, procedures and conditions for use and any eventual further disclosure of the CBI (or information directly derived from it), confidential business information protection policies, etc.

Author
Formatted: Not Superscript/ Subscript

Author
Formatted: Not Superscript/ Subscript

Author
Deleted: protect CBI

Author
Deleted: voluntary

Author
Deleted: relevant

Given that many brands and OEMs have long supply chains with multiple suppliers in developing counties, it is important to note the challenges that these conditions present[42]. There are also opportunities: many products are now commercially marketed in developing countries and numerous globally-integrated sectors have or are developing standards, management systems and/or codes of conduct specifically to enable supply chain actors to meet the emerging expectations of dependability and responsibility of the global marketplace.

The CiP programme also encourages stakeholders to make widest use of their CiP information, particularly in developing countries which manufacture and import many manufactured products. Given the emerging nature of this policy issue, governments in developing countries often lack sufficient budgets or trained personnel to formulate encompassing policy and to collect and monitor CiP information relative to product trade, use and disposal. ManyDC/CEIT lack the capacity to manage chemicals and hazardous wastes soundly. A full range of needed government institutions may not yet be established, important legal instruments may not have been adopted and/or enforced, and financial resources may be insufficient.

Being generally net importers, DC/CEIT stakeholders have clearly identified their need for CiP information.Multiple languages, limited or no education of workers and consumers, and insufficient media resources point to the need for well-planned general awareness raising throughout the life cycle and training and expert assistance for understanding chemical hazards, exposures, risks, management measures and associated information needs[43].

Within supply chains in DC/CEIT countries, suppliers and their employees need information that is immediately available at the point of product use or disposal. Harmonized labels should be considered that are developed in understandable formats, using national language and symbols that are easily recognized. Along these lines most developing countries are adopting the GHS. The consistency of GHS terms, criteria and thresholds can be valuable in these countries.

10. Reporting

A participant in the CiP programme must make public information– preferably annually but at a minimum every three years - that describes actions taken toward meeting the Objectives of

Author

Comment [30]: Maybe it should be mentioned that brands and OEMs have an important function in educating (awareness raising for) their suppliers in DC/CEIT, not the least by transmitting requirements on CiP information. This may help suppliers, as well as authorities, in DC/CEIT to understand which chemicals are particularly important to address when it comes to sound chemicals management.

Author

Comment [31]: It would be appropriate for companies to report all the chemical information they have released in their reports on participation in the CiP Programme.

Author

Comment [32]: Reporting requirements is essential to promote transparency and accountability to the CiP. It would also be important to know how the data submitted to the secretariat will be analayzed and presented to demonstrate the effectiveness of the program and identify opportunities where improvements may be made. What is the current thinking on the details of reporting and the obligations to the secretariat for analysis?

[42] This situation is not limited to CiP issues. The Global Chemicals Outlook notes both the increase in production and use of chemicals in developing countries: both chemicals production and product manufacturing has increased in these countries.

[43]Governments and others outside the supply chain can use the Internet and chemical information databases, but these need to be readily accessible and in national languages. Informing the public can be done through posters, media messages and publically accessible fact sheets.

theCiPprogramme. Particular note could be made of activities in developing countries, if applicable. These reports would be made public and could include the following elements[44]:

1. A description of activities the organization has taken during the reporting period to meet the CiP programme Information Objectives. This should include the scope of the activities (i.e. for which products the activity descriptions are relevant) and links to supporting documentation. Reference could be made to activities carried out through an existing industry initiative, programme or system handling CiP information, with descriptions of how the existing system's objectives equate to the CiP programme Objectives.
2. How Objective 1 is being met –*Know and exchange in supply chains information on what chemicals are in your products and the associated hazards and sound management practices*. Firms within the supply chain should describe how chemical information is transferred within its supply chain. This may include a description of:
    a. How the relevant chemicals of concern lists were developed and how they are updated.
    b. To which products their CiP efforts apply.
    c. Training that is provided to suppliers.
    d. How data sharing in supply chains is ensured (i.e. through contract requirements, in procurement procedures, other arrangements).
    e. What systems are in place to exchange and evaluate chemicals data.
    f. Additional information as appropriate.
3. How Objective 2 is being met –*Disclose information to stakeholders outside the supply chain to assist in informed decision making about chemicals in products*. Firms within the supply chain should describe how chemical information is transferred to stakeholders outside the supply chain. This may include:
    a. Corporate statement of disclosure policy.
    b. The organization's relevant chemicals of concern lists,
    c. Supporting documentation, such as descriptions of the corporate process or of how the disclosure activities evolved with external stakeholders
    d. System and activities descriptions relative to the exchange.
    e. Additional information as appropriate
4. How Objective 3 is being met –*Ensure that information is accurate, currentand accessible*. Firms within the supply chain should describe how they meet this objective, with additional information as appropriate (e.g. certifications).
5. CiP programme participants may also describe activities taken to use CiPinformation to advance the sound management of chemicals. These activities will in many cases be significant and, though outside the CiP programme scope of promoting information exchange, they underline the importance of CiP information towards achievement of the SAICM goal.

Author
Comment [33]: It seems like if it is the monopoly of companies to decide the level of ambition in the information disclosure. A responsible and serious company should make this an interactive process, to meet the needs of society, and not just do something minimal to gain temporary good will. There should be a possibility to expand the list as information on new hazardous chemicals becomes available (similar to the list of the Stockholm convention on POPs).

Author
Comment [34]: There should be a possibility to expand the list as information on new hazardous chemicals becomes available

Author
Deleted: as appropriate

[44] A summary is given here, see Annex III for details.

AnnexI: SAICM Text

The following text isParagraph 15 of the SAICM Overarching Policy Strategy, sections 15 (a) to (c) provide the foundation of the Chemicals in Products programme.

15. The objectives of the Strategic Approach with regard to knowledge and information are:

a. To ensure that knowledge and information on chemicals and chemicals management are sufficient to enable chemicals to be adequately assessed and managed safely throughout their life cycle;

b. To ensure, for all stakeholders:

> i. That information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders. Appropriate types of information include their effects on human health and the environment, their intrinsic properties, their potential uses, their protective measures and regulation;
>
> ii. That such information is disseminated in appropriate languages by making full use of, among other things, the media, hazard communication mechanisms such as the Globally Harmonized System of Classification and Labelling of Chemicals and relevant provisions of international agreements;

c. To ensure that, in making information available in accordance with paragraph 15 (b), confidential commercial and industrial information and knowledge are protected in accordance with national laws or regulations or, in the absence of such laws or and regulations, are protected in accordance with international provisions. In the context of this paragraph, information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential;

d. To make objective scientific information available for appropriate integration into risk assessments and associated decision-making relating to chemicals policy, including in relation to assessment of chemical hazards and risks to human health, especially vulnerable sub-populations such as children, and to the environment, particularly vulnerable ecosystems;

e. To ensure that science-based standards, risk assessment and management procedures and the results of hazard and risk assessments are available to all actors;

f. To make objective scientific methods and information available to assess the effects of chemicals on people and the environment, particularly through the development and use of indicators;

g. To accelerate the pace of scientific research on identifying and assessing the effects of chemicals on human beings and the environment, including emerging issues, and to ensure that research and development are undertaken in relation to chemical control technologies, development of safer chemicals and cleaner technologies and non-chemical alternatives and technologies;

h. To promote implementation of the common definitions and criteria contained in the Globally Harmonized System of Classification and Labelling of Chemicals;

i. To make widely available, for consideration and implementation, the range of existing risk reduction and other tools from various participating organizations of the Inter-Organization Programme for the

Sound Management of Chemicals (IOMC) such as the Mutual Acceptance of Data system of the Organisation for Economic Co-operation and Development (OECD) and the International Programme on Chemical Safety (IPCS) database on chemical safety information from intergovernmental organizations (INCHEM), in order to promote best practices in chemicals management, harmonization and burden-sharing;

j. To develop knowledge and information on the estimated current and projected financial and other impacts on sustainable development associated with the unsound management of chemicals of concern on a global basis.

AnnexII: ICCM3 Resolution III/2 (C)

On the Emerging Policy Issue of Chemicals in Products

Recalling its resolution II/4 C, in which it decided to implement a project with the overall objective of promoting the implementation of paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach that would, among other things, include the development of specific recommendations for further international cooperative action for consideration by the Conference at its third session,

Acknowledgingwith appreciation the progress made in implementing the specific tasks set out in resolution II/4 C, including the survey on priority product sectors and types of information needed, the study on existing information systems and stakeholder needs, the sector case studies, the synthesis report and the results and conclusions of the meetings held since the second session of the Conference,

Acknowledging the existing information system initiatives and standards with a view to learning from them and sharing best practices,

Having considered the results of the project activities, and especially the suggested elements for further international cooperative action as identified by the international workshop on the chemicals in products project held in March 2011,

1. *Agrees* to continue the multi-stakeholder project established under resolution II/4 C (hereinafter "CiP") to undertake cooperative actions to address the need to improve the availability of and access to relevant information on chemicals in products in the supply chain and throughout their life cycles to facilitate the efforts of all stakeholders to contribute to the overall objective of the Strategic Approach that by 2020 chemicals are used and produced in ways that minimize significant adverse effects on human health and the environment, taking into account in particular paragraphs 15 (a)–(c) of the Overarching Policy Strategy of the Strategic Approach;

2. *Decides* that under the CiP a proposal will be developed for a voluntary international programme for information on chemicals in products along the supply chain and throughout their life cycles (hereinafter the "CiP programme") with the aim of facilitating and guiding the provision and availability of, and access to, relevant information on chemicals in products among all stakeholder groups by building on CiP activities, results and recommendations to date, taking into account the elements identified during the March 2011 workshop on the CiP;

3. *Agrees* that in the development of the proposal for an international CiP programme the following tasks shall be undertaken:

(a) Identification of the roles and suggestions for responsibilities of the major stakeholder groups while providing for flexible and differentiated approaches to meeting the needs of individual sectors and individual stakeholder groups throughout product life cycles, with special attention paid to the needs of vulnerable populations, developing countries and countries with economies in transition;

(b) Development of guidance on what information could be transferred and how information access and exchange could take place to meet the needs of various stakeholder groups throughout product life cycles; considering best practices and successful experiences and taking into account paragraph 15 (c) of the Overarching Policy Strategy of the Strategic Approach;

(c) Implementation of pilot projects to demonstrate the applicability of the guidance developed under the proposed CiP programme in one or more priority sectors,[45] subject to stakeholder participation and available resources;

(d) Implementation of activities aimed at raising consumer awareness and gaining broader support from business, industry and other stakeholders;

4. *Recognizes* the importance of the involvement of chemicals management experts from various sectors, including sectors relating to the various phases of the life cycles of products, in the development the CiP programme, and in particular recommends the inclusion of chemicals management experts representing final product manufacturers and the waste sector in the current steering group established under resolution II/4 C;

5. *Requests* that the CiP programme take into account the Globally Harmonized System of the Classification and Labelling of Chemicals and avoid duplication of efforts with that system;

6. *Invites* the United Nations Environment Programme to prepare relevant documents and to facilitate a multi-stakeholder workshop to consider the outcomes of paragraph 3;

7. *Encourages* the private sector, Governments, intergovernmental organizations and non-governmental organizations to participate actively in the development of the proposal for the CiP programme, including associated pilot demonstration projects, and urges all stakeholders to provide adequate human, financial and in-kind resources on a voluntary basis;

8. *Invites* the United Nations Environment Programme to continue to lead the CiP in an open, transparent and inclusive manner, and to submit the proposal for a voluntary international programme for information on chemicals in products to the International Conference on Chemicals Management for consideration at its fourth session

[45] Building materials, electronics, textiles and toys.

Annex III: Partial List of Authoritative Chemical Hazard Lists

Author
Comment [35]: TADEX and SIN lists should be referenced either in this or in a separate Annex.

Authoritative Chemical Hazard Lists: Examples		
Hazard Class	**List**	**Sponsoring Agency**
Acute toxicity	- Extremely Hazardous Substances (EPCRA Section 302)	- US EPA
Asthma	- Association of Occupational and Environmental Clinics (AOEC) Asthmagen List	- AOEC
Endocrine Disruption	-E.U Community Strategy Endocrine Disruptors—Priority List	-European Commission -
Cancer	-Monographs on the Evaluation of Carcinogenic Risks to Humans -Integrated Risk Information System (IRIS) -12th Report on Carcinogens -Chemicals Known to Cause Cancer or Reproductive Toxicity—Prop. 65	-International Agency for Research on Cancer -U.S. EPA -U.S. National Toxicology Program -California EPA
Reproductive and Developmental Toxicity	-Expert Panel Reports on Reproductive and Developmental Toxicity -Chemicals Known to Cause Cancer or Reproductive Toxicity—Prop. 65	-U.S. National Toxicology Program -California EPA
PBTs	-National Waste Minimization Program Priority List of PBTs -European Chemical Substances Information System—PBT List - State of Washington Persistent Bioaccumulative Toxins (Chapter 173-333)	-U.S. EPA -European Commission - State of Washington
POPs	-Stockholm Convention on Persistent Organic Pollutants	-UNEP
Ozone Depletion	-Regulation (EC) No. 1005/2009—Substances that Deplete the Ozone -Ozone Depleting Substances—Class 1 & Class 2 -Global Warming Potential of Ozone Depletors and Substitutes	-European Commission -U.S. EPA
Priority substance lists based on various endpoints	E.U. Substances of Very High Concern for Authorization Chemicals of Concern Action Plans European Commission Classification and Labelling Inventory – CMRs	-European Commission -U.S. EPA - European Commission
Other information sources	Global Portal to Information on Chemical Substances Hazardous Substances Information System CSI (Chemical Sampling Information) Substances with EU Risk & Safety Phrases (European Commission Directive 67-548-EEC) Canadian Environmental Protection Act (Schedule 1: List of Toxic Substances) Chemicals under the US Toxic Substances Control Act (TSCA) Work Plan	-OECD -Australia - U.S. OSHA - European Commission - Health Canada and Environment Canada -U.S. EPA